

12-7-01

A

UTILITY PATENT APPLICATION TRANSMITTAL

(Small Entity)

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No.
PHLL-159Total Pages in this Submission
34

TO THE ASSISTANT COMMISSIONER FOR PATENTS

Box Patent Application
Washington, D.C. 20231

Transmitted herewith for filing under 35 U.S.C. 111(a) and 37 C.F.R. 1.53(b) is a new utility patent application for an invention entitled:

OPTICALLY DRIVEN THERAPEUTIC RADIATION SOURCE INCLUDING A NON-PLANAR TARGET CONFIGURATION

and invented by:

Mark Dinsmore

1036 U.S. PRO
10/005289
12/04/01

Is a CONTINUATION APPLICATION, check appropriate box and supply the requisite information:

 Continuation Divisional Continuation-in-part (CIP) of prior application No.: _____

Which is a:

 Continuation Divisional Continuation-in-part (CIP) of prior application No.: _____

Which is a:

 Continuation Divisional Continuation-in-part (CIP) of prior application No.: _____

Enclosed are:

Application Elements

1. Filing fee as calculated and transmitted as described below

2. Specification having 24 pages and including the following:
 - a. Descriptive Title of the Invention
 - b. Cross References to Related Applications (*if applicable*)
 - c. Statement Regarding Federally-sponsored Research/Development (*if applicable*)
 - d. Reference to Microfiche Appendix (*if applicable*)
 - e. Background of the Invention
 - f. Brief Summary of the Invention
 - g. Brief Description of the Drawings (*if drawings filed*)
 - h. Detailed Description
 - i. Claim(s) as Classified Below
 - j. Abstract of the Disclosure

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34

Application Elements (Continued)

3. Drawing(s) (when necessary as prescribed by 35 USC 113)
a. Formal b. Informal Number of Sheets _____ 4
4. Oath or Declaration
a. Newly executed (original or copy) Unexecuted
b. Copy from a prior application (37 CFR 1.63(d)) (for continuation/divisional application only)
c. With Power of Attorney Without Power of Attorney
d. **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s) named in the prior application,
see 37 C.F.R. 1.63(d)(2) and 1.33(b).
5. Incorporation By Reference (usable if Box 4b is checked)
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
6. Computer Program in Microfiche
7. Genetic Sequence Submission (if applicable, all must be included)
 - a. Paper Copy
 - b. Computer Readable Copy
 - c. Statement Verifying Identical Paper and Computer Readable Copy

Accompanying Application Parts

8. Assignment Papers (cover sheet & documents)
9. 37 CFR 3.73(b) Statement (when there is an assignee)
10. English Translation Document (if applicable)
11. Information Disclosure Statement/PTO-1449 Copies of IDS Citations
12. Preliminary Amendment
13. Acknowledgment postcard
14. Certificate of Mailing
 First Class Express Mail (Specify Label No.): EL883595148US

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Docket No.
PHLL-159

Total Pages in this Submission
34

Accompanying Application Parts (Continued)

15. Certified Copy of Priority Document(s) (*if foreign priority is claimed*)
16. Small Entity Statement(s) - Specify Number of Statements Submitted: 37 CFR 1.27 Status claimed
17. Additional Enclosures (*please identify below*):

Nonpublication Request under 35 USC 122(b)(2)(B)(i)

Fee Calculation and Transmittal

CLAIMS AS FILED					
For	#Filed	#Allowed	#Extra	Rate	Fee
Total Claims	22	- 20 =	2	x \$9.00	\$18.00
Indep. Claims	2	- 3 =	0	x \$42.00	\$0.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00
<input type="checkbox"/> BASIC FEE					\$370.00
<input type="checkbox"/> OTHER FEE (specify purpose) _____					\$0.00
<input type="checkbox"/> TOTAL FILING FEE					\$388.00

A check in the amount of \$388.00 to cover the filing fee is enclosed.

The Commissioner is hereby authorized to charge and credit Deposit Account No. 50-1133 as described below. A duplicate copy of this sheet is enclosed.

Charge the amount of \$388.00 as filing fee.

Credit any overpayment.

Charge any additional filing fees required under 37 C.F.R. 1.16 and 1.17.

Charge the issue fee set in 37 C.F.R. 1.18 at the mailing of the Notice of Allowance, pursuant to 37 C.F.R. 1.311(b).

Dated: December 4, 2001

Elizabeth E. Kim

Signature

Elizabeth E. Kim, Reg. No. 43,334
McDermott, Will & Emery
28 State Street
Boston, MA 02109
Tel 617-535-4411
Fax 617-535-3800

cc:

NONPUBLICATION REQUEST UNDER 35 U.S.C. 122(b)(2)(B)(i)		First Named Inventor	Dinsmore
Title	Optically Driven Therapeutic Radiation Source Including a Non-...		
Atty Docket Number		PHLL-159	

I hereby certify that the invention disclosed in the attached application **has not and will not** be the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing.

I hereby request that the attached application not be published under 35 U.S.C. 122(b).

December 4, 2001

Date

Elizabeth E. Kim

Signature

Elizabeth E. Kim

Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**